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HEALTH MART SYSTEMS, INC.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**GEOGRAPHIC LOCATION
INNOVATIONS, LLC,**

Plaintiff,

v.

HEALTH MART SYSTEMS, INC.

Defendant.

Case No. 4:21-cv-05155-YGR

PATENT CASE

JURY TRIAL DEMANDED

**HEALTH MART SYSTEMS, INC.'S
MOTION TO DISMISS FOR FAILURE TO
STATE A CLAIM WITH MEMORANDUM
OF LAW IN SUPPORT**

DATE: October 14, 2021

TIME: 10:00 a.m.

DEPT: Courtroom 1, 4th Floor

JUDGE: Hon. Yvonne Gonzalez Rogers

NOTICE OF MOTION

TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT on October 14, 2021 at 10:00 a.m., or as soon thereafter as the matter may be heard, in the United States District Court, Northern District of California, located at the United States Courthouse, 1301 Clay Street, 4th Floor, Courtroom 1, Oakland, California 94612, before the Honorable Yvonne Gonzalez Rogers, Defendant Health Mart Systems, Inc. (“Health Mart” or “Defendant”) will move, and hereby presents for hearing by the Court this motion to dismiss Plaintiff Geographic Location Innovations LLC’s (“GLI”) Complaint with prejudice for the reasons set forth below.

This motion is based on this notice of motion and motion, the accompanying memorandum of points and authorities, and such additional papers and arguments as map be presented at or in connection with the hearing.

Dated: August 27, 2021

Respectfully submitted,

By: /s/ Betty Chen
Betty Chen

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I. INTRODUCTION

Obtaining the route to a destination is an abstract concept ineligible for patent protection. The claims of U.S. Patent No. 7,917,285, which Plaintiff Geographic Location Innovations LLC (“GLI”) asserts in this action against Defendant Health Mart Systems, Inc. (“Health Mart”), are directed to this abstract concept and do not claim any inventive concept sufficient to confer patent eligibility on the claimed abstract idea. Abstract ideas like this, when implemented using conventional computer components, are not eligible for patent protection under 35 U.S.C. § 101. *See Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 134 S. Ct. 2347, 2357 (2014). This is especially true if the abstract idea is not directed to any improvement in technology and any purported “inventive concept” is limited to improving the abstract idea itself. *See BSG Tech LLC v. Buyseasons, Inc.*, 899 F.3d 1281, 1290 (Fed. Cir. 2018). For many years, people have obtained route information from someone that knows the route to a desired destination. Even the GPS devices at the time of the ’285 Patent’s filing allowed users to input and store their desired destination information in their GPS devices, and to later obtain a route to a previously stored destination. ’285 Pat., 1:15–42. But according to the patent, this process was time consuming, inefficient, and difficult (*see id.*, 1:45–2:6), and thus the goal of the alleged invention was “to allow a user to be able to easily, quickly and safely program their GPS device(s) with address/destination information.” *Id.*, 2:28–30. But using existing technologies to allow users to obtain the route to a destination is not a technological improvement, an inventive way of applying conventional technology, or even new as of April 28, 2006. Moreover, none of the claims recite any specific hardware or software; instead, the specification discloses only that the alleged invention uses generic computer components and software to perform conventional activities.

Abstract ideas are not eligible for patenting. And none of the claims contains an “‘inventive concept’ . . . sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the ineligible concept itself.” *See Alice*, 134 S. Ct. at 2355. The Asserted Patent does no more than withdraw a basic idea (obtaining the route to a destination) from the public domain without disclosing any particularized application of that idea. Therefore, the Asserted Patent is

1 invalid under 35 U.S.C. § 101 for failure to claim patent-eligible subject matter. Resolving these
2 issues does not require more discovery or claim construction. GLI's factual allegations, when
3 presumed true, do not avoid dismissal. Therefore, to avoid a waste of judicial and party resources
4 further litigating an invalid patent, Health Mart requests the Court dismiss the Complaint pursuant
5 to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which
6 relief can be granted.

7 **II. FACTUAL BACKGROUND**

8 The '285 Patent relates to obtaining the route to a destination using a GPS device. *See* '285
9 Pat., 2:34–39. The applicant explained and admitted that GPS devices existed in the prior art, and
10 users were able to input and store their desired destination information in their GPS devices, and
11 to later obtain a route to a previously stored destination. *Id.*, 1:15–42. The applicant then identified
12 some problems when using prior art GPS devices to input, store, and obtain route information: (1)
13 “different devices recognize addresses differently” (*Id.*, 1:45–47); (2) “many users have multiple
14 vehicles that go to the same address and require route guidance by the GPS device” (*Id.*, 1:64–66);
15 and (3) “many times a user needs to route to an address or destination while the user is driving”
16 (*Id.*, 2:4–6). Thus, as the applicant explained, the goal of the alleged invention was “to allow a user
17 to be able to easily, quickly and safely program their GPS device(s) with address/destination
18 information.” *Id.*, 2:28–30. Figure 1 in the patent depicts an embodiment of the alleged
19 invention as a generic mobile phone that existed in prior art. *See id.*, Fig. 1; *see also id.*, 4:1–36.
20 The specification further lists “various modules included in the device illustrated in FIG. 1.” *See*
21 *id.*, 3:39–40; *see also id.*, Fig. 2. But the purported solution the applicant provided for allowing
22 users to easily, quickly and safely program their GPS device(s) with address/destination
23 information, consists of nothing more than the use of conventional components and processes. The
24 applicant makes this clear through his own language in the specification. For example, the
25 specification makes the following concessions about the use of conventional components and
26 processes:

- 1 • “The computer processing module will use computer software instructions that have been
2 programmed into the module and **conventional computer processing power** to interact and
3 organize the traffic flow between the various other modules. It is to be understood that **the**
4 **present disclosure may be implemented in various forms of hardware, software,**
5 **firmware, special purpose processors, or a combination thereof.”** *Id.*, 4:39–46;
- 6 • “The locational information module 122 may include a receiver and antenna ANT employing
7 **conventional locational information processing technology** such as Global Positioning
8 Satellite (GPS) Technology, Loran Technology, or any other available locational
9 technology” *Id.*, 5:5–13;
- 10 • “The date and time module 124 will use **standard computer chip processing technology**
11 widely in use” *Id.*, 5:26–29;
- 12 • “**display [module] may be in any current form in the art**, including Liquid Crystal Displays
13 (LCD), Light emitting diode displays (LED), Cathode Ray Tube Displays (CRT) or any other
14 type of display currently existing or existing in the future.” *Id.*, 5:36–40;
- 15 • “**Such input devices are standard and currently available on many electronic devices**
16 including portable digital assistants (PDAs) and cellular telephones.” *Id.*, 5:48–58;
- 17 • “The storage module 110 includes . . . the various types of CD and DVD media; solid-state
18 storage memory, e.g., a CompactFlash card, a Memory Stick, SmartMedia card,
19 MultiMediaCard (MMC), SD (Secure Digital) memory; or **any other memory storage that**
20 **exists currently or will exist in the future.”** *Id.*, 6:1–8;
- 21 • “The communication module 112 will perform its functionality by hardwired and/or wireless
22 connectivity. The hardwire connection may include but is not limited to hard wire cabling, e.g.,
23 parallel or serial cables, USB cable, Firewire (1394 connectivity) cables, and the appropriate
24 port. **The wireless connection will operate under any of the various known wireless**
25 **protocols** including but not limited to Bluetooth™ interconnectivity, infrared connectivity,
26 radio transmission connectivity including computer digital signal broadcasting and reception
27 commonly referred to as Wi-Fi or 802.11.X (where x denotes the type of transmission), **or any**
28

1 **other type of communication protocols or systems currently existing or to be developed**
 2 **for wirelessly transmitting data.”** *Id.*, 6:46–60;

- 3 • “The encryption module 128 will use **conventional code encryption algorithms** currently in
 4 use or that will be in use in the future such as symmetric-key algorithms, e.g., DES, Triple-
 5 DES, Blowfish, RC2, RC4, RC5, etc, and asymmetric-key algorithms, e.g., Diffie-Hellman,
 6 RSA, ElGamal, etc. to encrypt the data information that comes into the user input module 126
 7 and/or that is stored in the storage module 110.” *Id.*, 7:8–14;
- 8 • “The identity capture device may be a biometric device, such as a retinal scanning device,
 9 finger print reader, facial recognition reader or another type of user identity verification input
 10 device which will collect information on the user to be compared to information that has
 11 previously been stored in the device's memory. One such exemplary fingerprint reader is the
 12 BioTouch™ fingerprint reader commercially available from Identix Incorporated of
 13 Minnetonka, Minn. **It is to be noted that identity detection devices such as biometric**
 14 **devices are common and are currently widely in use.”** *Id.*, 7:52–67; and
- 15 • “The server 304 may be connected to the communications network 302, e.g., the Internet,
 16 **by any known means**, for example, a hardwired or wireless connection 308, such as dial-up,
 17 hardwired, cable, DSL, satellite, cellular, PCS, wireless transmission” *Id.*, 8:30–34.

18 Accordingly, the invention consists of generic components used for their conventional
 19 functionalities.

20 **III. ARGUMENT**

21 **A. This Case Should Be Disposed Of At The Pleading Stage Through Rule** 22 **12(b)(6).**

23 Under Federal Rule of Civil Procedure 12(b)(6), a party may move to dismiss a complaint
 24 that fails to state a claim upon which relief can be granted. To survive a Rule 12(b)(6) motion, a
 25 complaint must provide the plaintiff's grounds for entitlement to relief. *See Bell Atlantic v.*
 26 *Twombly*, 550 U.S. 544, 555 (2007). Although factual allegations are taken as true, legal
 27 conclusions are given no deference—those matters are left for the court to decide. *See Ashcroft v.*
 28

1 *Iqbal*, 556 U.S. 662, 678 (2009) (noting tenet that allegations are taken as true on a motion to
2 dismiss “is inapplicable to legal conclusions”). Factual allegations must be enough to raise a right
3 to relief above the speculative level on the assumption that all of the complaint’s allegations are
4 true. *Twombly*, 550 U.S. at 555.

5 Patentability under 35 U.S.C. § 101 is a threshold legal issue. *Bilski v. Kappos*, 561 U.S.
6 593, 602 (2010). Accordingly, the § 101 inquiry is properly raised at the pleadings stage if it is
7 apparent from the face of the patent that the asserted claims are not directed to eligible subject
8 matter. See *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 718–19 (Fed. Cir. 2014) (Mayer, J.,
9 concurring). In those situations, claim construction is not required to conduct a § 101 analysis.
10 *Bancorp Servs. L.L.C. v. Sun Life Assur. Co.*, 687 F.3d 1266, 1273 (Fed. Cir. 2012) (“[W]e
11 perceive no flaw in the notion that claim construction is not an inviolable prerequisite to a validity
12 determination under § 101.”).

13 **B. The Law Of 35 U.S.C. § 101.**

14 Section 101 of the Patent Act sets forth four categories of patentable subject matter: “any
15 new and useful process, machine, manufacture, or composition of matter.” 35 U.S.C. § 101. Also,
16 the law recognizes three exceptions to patent eligibility: “laws of nature, physical phenomena, and
17 abstract ideas.” *Diamond v. Chakrabarty*, 447 U.S. 303, 309 (1980) (emphasis added). Abstract
18 ideas are ineligible for patent protection because a monopoly over these ideas would preempt their
19 use in all fields. See *Bilski*, 561 U.S. at 611–12. In other words, “abstract intellectual concepts are
20 not patentable, as they are the basic tools of scientific and technological work.” *Id.* at 653 (quoting
21 *Gottschalk v. Benson*, 409 U.S. 63, 67 (1972)).

22 Determining whether a patent claim is impermissibly directed to an abstract idea involves
23 two steps. First, the court determines “whether the claims at issue are directed to a patent-ineligible
24 concept.” *Alice*, 134 S. Ct. at 2355. Second, if the claim contains an abstract idea, the court
25 evaluates whether there is “an ‘inventive concept’—*i.e.*, an element or combination of elements
26 that is sufficient to ensure that the patent in practice amounts to significantly more than a patent
27 upon the ineligible concept itself.” *Id.* (internal quotations and citations omitted).

Transformation into a patent-eligible application requires “more than simply stating the abstract idea while adding the words ‘apply it.’” *Id.* at 2357 (quoting *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 132 S. Ct. 1289, 1294 (2012)). Indeed, if a claim could be performed in the human mind, or by a human using pen and paper, it is not patent-eligible. *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1372 (Fed. Cir. 2011). Also, a claim is not meaningfully limited if it includes only token or insignificant pre- or post-solution activity—such as identifying a relevant audience, category of use, field of use, or technological environment. *Mayo*, 132 S. Ct. at 1297–98, 1300–01; *Bilski*, 561 U.S. at 610; *Diamond v. Diehr*, 450 U.S. 175, 191–92 & n.14 (1981); *Parker v. Flook*, 437 U.S. 584, 595 n.18 (1978). Finally, “simply appending conventional steps, specified at a high level of generality, to laws of nature, natural phenomena, and abstract ideas cannot make those laws, phenomena, and ideas patentable.” *Mayo*, 132 S. Ct. at 1300; *see also Fort Props., Inc. v. Am. Master Lease LLC*, 671 F.3d 1317, 1323 (Fed. Cir. 2012) (“Such a broad and general limitation does not impose meaningful limits on the claim’s scope.”).

C. The Patent-in-Suit Is Invalid Under 35 U.S.C. § 101.

GLI’s claims regarding the ’285 Patent should be dismissed. The claims of the asserted patent are invalid under 35 U.S.C. § 101 because they fail both steps of the *Alice* test. Each of the claims is directed to the abstract idea of obtaining the route to a destination. Abstract ideas are not eligible for patenting. None of the claims contains an “‘inventive concept’ . . . sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the ineligible concept itself.” *See Alice*, 134 S. Ct. at 2355 (emphasis added). Because GLI has failed to state a claim upon which relief may be granted, Health Mart respectfully requests that the Court grant its motion and dismiss GLI’s ’285 Patent claims with prejudice. FED. R. CIV. P. 12(b)(6).

1. The Independent Claims Of The ’285 Patent Are Patent-Ineligible.

In determining patent eligibility under § 101, the Court must first determine whether the claims are directed to an abstract idea. *See Alice*, 134 S. Ct. at 2355. Under any plausible reading, the claims of the patent are directed to an unpatentable, abstract idea because they claim nothing

more than the “longstanding,” “routine,” and “conventional” concept of obtaining the route to a destination. *See Alice*, 134 S. Ct. at 2356–59; *see also Bilski*, 561 U.S. at 611.

(a) Alice Step 1: The Independent Claims Are Directed To The Abstract Idea Of Obtaining The Route To A Destination.

Claim 13 of the ’285 Patent, the only claim specifically identified in the complaint, is representative of the independent claims.¹ *See, e.g., Dropbox, Inc. v. Synchronoss Technologies, Inc.*, 371 F.Supp.3d 668, 684–86 (N.D. Cal. 2019) (invalidating 48 claims after analyzing only a few “representative claims” where the other claims were “substantially similar to and require performance of the same idea.”); *see also Phoenix Licensing, L.L.C. v. Consumer Cellular, Inc.*, 2:16-cv-152-JRG-RSP, 2017 WL 1065938, at *8–9 (E.D. Tex. Mar. 8, 2017) (invalidating 974 claims after analyzing only a few “representative claims” where the other claims were “substantially similar” and “linked to the same abstract idea.”). In assessing whether this claim is directed to an abstract idea, the Court begins by analyzing the “focus” of the claim, i.e., its “character as a whole,” in order to determine whether the claim is directed to an abstract idea. *SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1167 (Fed. Cir. 2018). For example, the Federal Circuit has explained that this Court should examine the patent’s “‘claimed advance’ to determine whether the claims are directed to an abstract idea.” *Finjan, Inc. v. Blue Coat System, Inc.*, 879 F.3d 1299, 1303 (Fed. Cir. 2018). “In cases involving software innovations, this inquiry often turns on whether the claims focus on ‘the specific asserted improvement in computer capabilities . . . or, instead, on a process that qualifies as an “abstract idea” for which computers are invoked merely as a tool.’” *Id.* (quoting *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335–36 (Fed. Cir. 2016)); *see BSG Tech*, 899 F.3d at 1285–86. The claimed advance of Claim 13 of the ’285 Patent is inputting the address information of a location and obtaining the route to that location. The claim

¹ Where claims are “substantially similar and linked to the same abstract idea,” courts may look to representative claims in a § 101 analysis. *Content Extraction and Transmission LLC v. Wells Fargo Bank, Nat’l Ass’n*, 776 F.3d 1343, 1348 (Fed. Cir. 2014).

1 quickly reduces down to the bare idea of obtaining the route to a destination. That is an abstract
2 idea ineligible for patenting.

3 Claim 13 is not directed to any specific means or method for improving technology—it is
4 directed to the abstract idea of obtaining the route to a destination. The patent recognizes that
5 entering and storing addresses in GPS devices was something that humans performed manually,
6 but that it was a difficult and time-consuming task:

7 Devices, systems and methods for remotely entering, storing and sharing location
8 addresses for a positional information device, e.g., a global positioning system
9 (GPS) device, are provided. The present disclosure **allows a user to easily and**
10 **safely enter an address into a GPS device** by giving that address to a remote
11 communications link and to have that link automatically program the user's GPS
device for usage. The device, system and method of the present disclosure further
allows the user to use this stored address(es) on multiple GPS devices without
having to **manually** enter the address(es).

12 *Id.*, 3:58–67 (emphasis added). The patent identifies some problems when using prior art GPS
13 devices to input, store, and use address information: (1) “different devices recognize addresses
14 differently” (*Id.*, 1:45–47); (2) “many users have multiple vehicles that go to the same address and
15 require route guidance by the GPS device” (*Id.*, 1:64–66); and (3) “many times a user needs to
16 route to an address or destination while the user is driving” (*Id.*, 2:4–6). Thus, as the applicant
17 explained, the goal of the purported invention was “to allow a user to be able to easily, quickly
18 and safely program their GPS device(s) with address/destination information.” *Id.*, 2:28–30. *See*,
19 *e.g.*, *Epic IP LLC v. Backblaze, Inc.*, 351 F. Supp. 3d 733, 740 (D. Del. 2018) (“The problem,
20 however, is that the idea of a chat session separate from the original website is not an invention; it
21 is a concept. The asserted claims . . . recite the concept, but not the way to implement it.”).

22 Requesting and receiving location information is an abstract idea, and adding vaguely
23 defined “modules” to determine and transmit routing information between locations does not make
24 the underlying abstract idea any more concrete. Indeed, courts have routinely found that similar
25 claims are directed to abstract ideas. *See, e.g., Wireless Media Innovations, LLC v. Maher*
26 *Terminals, LLC*, 100 F.Supp.3d 405, 408–09, 413 (D.N.J. 2015); *Concaten, Inc. v. Ameritrak Fleet*
27 *Solutions, LLC*, 131 F.Supp.3d 1166, 1172 (D. Colo. 2015). For example, in *Concaten*, the claims
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1 at issue were directed toward a method of communicating the location of snow maintenance
2 vehicles to a server over a wireless network, processing the information to provide both a map
3 displaying such location and an instruction for the vehicle operator, and sending the map and
4 instruction over the wireless network back to the vehicles. *See Concaten*, 131 F.Supp.3d at 1170.
5 The court found that these claims were an abstract idea “drawn to the concept of receiving,
6 processing, and transmitting data.” *Id.* at 1174. Likewise, in *Wireless Media*, the claims were
7 directed to systems and methods for monitoring and recording container location and load status
8 at a container-receiving facility. *See Wireless Media*, 100 F.Supp.3d at 408–09. The court found
9 that the claims were “directed to the same abstract idea: monitoring locations, movement, and load
10 status of shipping containers within a container receiving yard, and storing, reporting and
11 communicating this information in various forms through generic computer functions.” *Id.* at 413.
12 The claims involved in *Concaten* and *Wireless Media* were related to providing location
13 information within specific environments, but courts still found the claims invalid. Similarly,
14 Claim 13 is abstract because it simply takes the concept of obtaining the route to a destination and
15 attempts to implement it through existing computer and wireless technologies. *See also Callwave*
16 *Communs., LLC v. AT&T Mobility, LLC*, 207 F. Supp. 3d 405, 412 (D. Del. 2016) (“Requesting
17 and receiving location information is an abstract idea, and adding a vaguely defined intermediary
18 that selectively forwards requests and returns responses does not make the underlying abstract idea
19 any more concrete.”).

20 The functional nature of Claim 13’s limitations further supports its abstractness. In
21 determining whether a particular claim is directed to an abstract idea, courts have focused on
22 whether the claim is purely functional in nature rather than containing the specificity necessary to
23 recite how the claimed function is achieved. For example, in *SAP America*, the court asked whether
24 the claim had “the specificity required to transform [it] from one claiming only a result to one
25 claiming a way of achieving it.” 898 F.3d at 1167. To answer that question, the Federal Circuit has
26 directed courts to “look to whether the claims focus on a specific means or method, or are instead
27 directed to a result or effect that itself is the abstract idea and merely invokes generic processes
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1 and machinery.” *Two-Way Media Ltd. v. Comcast Cable Commc’ns, LLC*, 874 F.3d 1329, 1337
 2 (Fed. Cir. 2017); *McRO, Inc. v. Bandai Namco Games Am., Inc.*, 837 F.3d 1299, 1314 (Fed. Cir.
 3 2016) (“We therefore look to whether the claims in these patents focus on a specific means or
 4 method that improves the relevant technology or are instead directed to a result or effect that itself
 5 is the abstract idea and merely invoked generic processes and machinery.”). Thus, the question in
 6 such cases is “whether the claims are directed to ‘a specific means or method’ for improving
 7 technology or whether they are simply directed to an abstract end-result.” *RecogniCorp, LLC v.*
 8 *Nintendo Co., Ltd.*, 855 F.3d 1322, 1326 (Fed. Cir. 2017).

9 Claim 13 is directed to an abstract end-result. It lacks any of the specificity that the Federal
 10 Circuit has held is sufficient to confer patent eligibility. *Cf. Data Engine Techs. LLC v. Google*
 11 *LLC*, 906 F.3d 999 (Fed. Cir. 2018) (holding eligible claims with the required specificity, but
 12 ineligible those without it); *Core Wireless Licensing S.A.R.L. v. LG Elec., Inc.*, 880 F.3d 1356,
 13 1361–63 (Fed. Cir. 2018) (holding claims eligible where they were “directed to a **specific**
 14 improvement in the capabilities of computing devices”) (emphasis added); *see also RecogniCorp*,
 15 855 F.3d at 1326 (claims were ineligible because they were not directed to “a **specific** means or
 16 method for improving technology”) (emphasis added). Claim 13 does not require a new or
 17 unconventional machine or process for obtaining the route to a destination—it requires only that
 18 well-known components in a generic mobile device and a generic server perform their
 19 conventional functions. As just a few examples, the “locational information module 122 is
 20 provided for determining a location of the device 100 and/or user” (’285 Pat., 5:5–6), the “display
 21 module 104 [is provided] for displaying a location of a user, a map, coordinates, waypoints,
 22 frequently accessed addresses, etc.” (*Id.*, 5:34–36), and the “communication module 112 will
 23 enable the device 100 to transmit or transfer information” (*Id.*, 6:40–41). These “modules” are
 24 defined by their result rather than any specific description of how they are to operate. “Inquiry
 25 therefore must turn to any requirements for *how* the desired result is achieved.” *Elec. Power Grp.,*
 26 *LLC v. Alstom S.A.*, 830 F.3d 1350, 1355 (Fed. Cir. 2016). But Claim 13 does not describe how
 27 the desired result—obtaining the route to a destination—is achieved. It merely recites broad
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1 computer functions such as receiving a request for an address, determining location information
2 of the GPS device, receiving the address of the destination, and displaying the route. It does not
3 claim how to implement any of these broad functions. The mechanism to implement the idea is
4 impermissibly unbounded in scope.

5 The function-dependent nature of the claimed components and “modules” in the ’285
6 Patent is very similar to that in the claims held ineligible by the Federal Circuit in *Capital One*.
7 *Intellectual Ventures I LLC v. Capital One Financial Corporation*, 850 F.3d 1332 (Fed. Cir. 2017)
8 (“*Capital One*”). In that case, the claims covered an apparatus comprising a processor and multiple
9 components that performed certain functions. *Id.* at 1339. The Federal Circuit found the claimed
10 components did not confer eligibility because the claims did nothing more than recite the functions
11 of those components. *Id.* at 1342 (“Rather, the claims recite both a generic computer element—a
12 processor—and a series of generic computer “components” that merely restate their individual
13 functions—i.e., organizing, mapping, identifying, defining, detecting, and modifying. That is to
14 say, they merely describe the functions of the abstract idea itself, without particularity.”). The same
15 is true here. Claim 13 of the ’285 Patent includes a generic “server,” “locational information
16 module,” “communication module,” “processing module,” “display module,” and
17 “communications network,” but the claims describe these “modules” only by restating what they
18 are configured to do, without particularity. *See, e.g.*, ’285 Pat., Cl. 3 (“a locational information
19 module **for determining location information of the positional information device**”) (emphasis
20 added). The elements of Claim 13 are thus just as abstract as the components recited in the claims
21 of *Capital One*. *See Capital One*, 850 F.3d at 1342. The claims do not contain the specificity that
22 may change claims from function-dependent (ineligible) to computer-improving (eligible).

23 Claim 13 thus differs from the claims that the Federal Circuit has held to be eligible because
24 they claimed specific means for improving specific computer technology or solving specific
25 computer problems. For example, the Federal Circuit has addressed the eligibility of claims
26 directed to improving computer security in *Ancora Technologies, Inc. v. HTC America, Inc.*, 908
27 F.3d 1343 (Fed. Cir. 2018). In that case, the Federal Circuit held the claims eligible and stated,

1 “Improving security—here, against a computer’s unauthorized use of a program—can be a **non-**
2 **abstract** computer-functionality improvement . . . done by a **specific technique** that departs from
3 earlier approaches to solve a **specific computer problem.**” *Id.* at 1348 (emphasis added). The
4 court was persuaded because “[t]he claimed method here specifically identifies how that
5 functionality improvement is effectuated in an assertedly unexpected way.” *Id.* The same is not
6 true of Claim 13 of the ’285 Patent. It does not require a specific and unconventional technique,
7 and it does not identify any specific improvement to computer functionality, much less an
8 unexpected way of effectuating such an improvement.

9 That Claim 13 is limited to a computer and wireless environment, such as a GPS device,
10 does not alter this analysis. “Most obviously, limiting the claims to [a] particular technological
11 environment . . . is, without more, insufficient to transform them into patent-eligible applications
12 of the abstract idea at their core.” *Elec. Power Grp.*, 830 F.3d at 1354. As the Supreme Court
13 explained in *Alice*, *Parker* stands for the proposition that the prohibition on patenting abstract ideas
14 cannot be circumvented by attempting to limit the use of the idea to a particular technological
15 environment. *Alice*, 134 S. Ct. at 2358; *Parker*, 437 U.S. 584; *see also buySAFE, Inc. v. Google,*
16 *Inc.*, 765 F.3d 1350, 1355 (Fed. Cir. 2014) (claims’ “narrowing to cover only online transactions
17 was an attempt to limit the use of the abstract guarantee idea to a particular technological
18 environment, which has long been held insufficient to save a claim in this context”) (internal
19 quotations and citations omitted). Claim 13 is directed to an abstract idea even if its limitations
20 require practicing that idea on a GPS device.

21 Further, the fact that Claim 13 of the ’285 Patent is a system claim does not affect the patent
22 eligibility analysis under § 101. The Supreme Court has made clear that reciting a handful of
23 generic computer components configured to implement the same idea does not convert an
24 ineligible abstract idea into eligible subject matter. *See Alice*, 134 S. Ct. at 2359. Claim 13 includes
25 “a server,” “a positional information device,” “a locational information module,” “a
26 communication module,” “a processing module,” “a display module,” and “a communications
27 network,” but again, these components and modules are functional computer components for
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practicing the abstract idea and do not confer eligibility. *See Capital One*, 850 F.3d at 1342 (holding claims ineligible despite presence of processor and multiple components adapted to perform certain functions); *Two-Way Media*, 874 F.3d at 1337–38 (same).

The other independent claim of the '285 Patent, Claim 1, which is not materially different from Claim 13, fares no better under this analysis: it is directed to the same abstract idea. *See Voip-Pal.Com, Inc. v. Apple Inc.*, 411 F.Supp.3d 926, at 944 (N.D. Cal. 2019). The claimed advance of the independent claims is the abstract concept of “to allow a user to be able to easily, quickly and safely program their GPS device(s) with address/destination information.” '285 Pat., 2:28–30. This concept is an abstract idea, not an invention, and accordingly, the independent claims fail the first step of the *Alice* analysis.

(b) *Alice* Step 2: The Independent Claims Do Not Contain An Inventive Concept Sufficient To Confer Patent Eligibility.

The independent claims of the '285 Patent are implemented on generic computer technology and therefore do not contain an inventive concept sufficient to confer eligibility. There is simply nothing “inventive” about using well-known components (i.e., server and GPS device) to perform their conventional functions (i.e., receiving address information for a destination and determining the route to that destination). As explained above, the abstract functional descriptions in the independent claims of the '285 Patent are devoid of any technical explanation as to how to implement the purported invention in an inventive way. *See In re TLI Commc'ns LLC Patent Litigation*, 823 F.3d 607, 615 (Fed. Cir. 2016) (claims failed *Alice*'s step 2 where specification limited its discussion of “additional functionality” of conventional components “to abstract functional descriptions devoid of technical explanation as to how to implement the invention”). Similar to the invalidated claims in *Intellectual Ventures I*, nothing in Claims 1 and 13 “contain[] an ‘inventive concept’ sufficient to ‘transform’ the claimed abstract idea into a patent-eligible application.” *Intellectual Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307, 1316 (Fed. Cir. 2016) (citing omitted).

1 Courts have repeatedly held that the presence of generic hardware and software like the
2 kind recited in the independent claims of the '285 Patent does not make an otherwise abstract idea
3 patent-eligible. *See, e.g., buySAFE*, 765 F.3d at 1355 (“That a computer receives and sends the
4 information over a network—with no further specification—is not even arguably inventive.”);
5 *Content Extraction*, 776 F.3d at 1348 (“At most, [the] claims attempt to limit the abstract idea of
6 recognizing and storing information from hard copy documents using a scanner and a computer to
7 a particular technological environment. Such a limitation has been held insufficient to save a claim
8 in this context.”); *Bancorp*, 687 F.3d at 1276–77.

9 Each of the steps recited in Claim 13 of the '285 Patent is described only at a high level of
10 generality as “receiv[ing] a request for an address,” “determining location information of the
11 positional information device,” “receiving the determined address,” “determin[ing] route guidance
12 based on the location of the positional information device and the determined address,” “displaying
13 the route guidance,” “coupling the positional information device to the server,” “receiv[ing] a time
14 and date associated with the requested . . . location,” “transmit[ing] the associated time and date
15 with the determined address to the positional information device,” and “display[ing] the
16 determined address at the associated time and date.” To accomplish these high level functions, the
17 patent recites the need for only off-the-shelf, conventional computer technologies. For example,
18 “determining location information” could be done by “employing conventional locational
19 information processing technology such as Global Positioning Satellite (GPS) Technology, Loran
20 Technology, or any other available locational technology ” ('285 Pat., 5:5–13); “determin[ing]
21 route guidance” could be done “using standard GPS computer processing power and systems” *Id.*,
22 10:45–49); and “displaying the route guidance” can be done using “any [existing] form in the art,
23 including Liquid Crystal Displays (LCD), Light emitting diode displays (LED), Cathode Ray Tube
24 Displays (CRT) or any other type of display currently existing or existing in the future. (*Id.*, 5:36–
25 40). Claim 13 simply recites “a server,” “a positional information device,” “a locational
26 information module,” “a communication module,” “a processing module,” “a display module,”
27 and “a communications network,” to perform these same high-level functions.

1 The applicant’s own characterizations demonstrate that the claimed components do not
2 “improve the functioning of the computer itself,” *Alice*, 134 S. Ct. at 2359, for example by
3 disclosing an “improved, particularized method of digital data compression,” *DDR Holdings, LLC*
4 *v. Hotels.com, L.P.*, 773 F.3d 1245, 1259 (Fed. Cir. 2014), or improving “the way a computer
5 stores and retrieves data in memory,” *Enfish*, 822 F.3d at 1339. For example, in *Enfish*, the Federal
6 Circuit distinguished the claims from others that “simply add[ed] conventional computer
7 components to well-known business practices,” *Id.* at 1338, holding instead that “they [we]re
8 directed to a specific improvement to the way computers operate,” *Id.* at 1336. In particular, the
9 unconventional structure of the database resulted in “increased flexibility, faster search times, and
10 smaller memory requirements.” *Id.* at 1337. Unlike *Enfish*, nothing in Claims 1 and 13 of the ’285
11 Patent shows any unconventional methodology that would amount to a “specific improvement to
12 the way computers operate.” Therefore, the focus of the ’285 Patent is not “on [a] specific asserted
13 improvement in computer capabilities” but instead “on a process that qualifies as an ‘abstract idea’
14 for which computers are invoked merely as a tool.” *Id.* at 1336. “Nothing in the claims, understood
15 in light of the specification, requires anything other than off-the-shelf, conventional computer . . .
16 technology.” *Elec. Power Grp.*, 830 F.3d at 1355. Thus, there is no limitation in the independent
17 claims that could be considered an inventive concept under step two of the *Alice* test.

18 Even if the ordered combination of claimed limitations were novel or arguably
19 unconventional, the question remains whether these limitations actually improve computer
20 functionality or merely the abstract idea itself. Thus, “[a]t *Alice* step two, it is irrelevant whether
21 [obtaining the route to a destination] may have been non-routine or unconventional as a factual
22 matter.” *BSG Tech*, 899 F.3d at 1290–91 (“As a matter of law, narrowing or reformulating an
23 abstract idea does not add ‘significantly more’ to it.”); *see also Berkheimer v. HP Inc.*, 881 F.3d
24 1360, 1370 (Fed. Cir. 2018) (holding claims lacked an inventive concept because they “amount to
25 no more than performing the abstract idea of parsing and comparing data with conventional
26 computer components”); *Affinity Labs of Texas, LLC v. DirecTV, et al.*, 838 F.3d 1253, 1262 (Fed.
27 Cir. 2016) (holding a claim lacked an inventive concept because it “simply recites the use of
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1 generic features . . . as well as routine functions . . . to implement the underlying idea”). The
2 independent claims of the ’285 Patent are not patent eligible.

3 **2. The dependent claims of the ’285 Patent are not patent eligible.**

4 The dependent claims of the ’285 Patent recite additional limitations regarding the abstract
5 idea, but they do not include the specificity necessary to claim patent-eligible subject matter. They
6 also do not include anything other than generic components and processes such that they fail to
7 contain an inventive concept. Accordingly, the dependent claims suffer from the same flaws as the
8 independent claims, despite their additional limitations, and should therefore be treated the same
9 as the independent claims.

10 The dependent claims recite additional environmental limitations: “communications
11 network is a telematics network” (’285 Pat., Cls. 2, 14); “first identifier is an Internet cookie” (*Id.*,
12 Cl. 3); and “second identifier of the positional information device is a mobile phone number or an
13 IP address” (*Id.*, Cl. 4). Some dependent claims recite insignificant pre- or post-solution activity,
14 such as determining the address by information associated to the address. *See id.*, Cl. 7; *see also*
15 *id.*, Cls. 5, 6, 8-12, 15-18. Each of these claims, like Claims 1 and 13 of the ’285 Patent, is not
16 meaningfully limited because these activities are not “essential to the invention.” *Clear with*
17 *Computers, LLC v. Dick’s Sporting Goods, Inc.*, 21 F. Supp. 3d 758, 763 (E.D. Tex. 2014) (noting
18 limitations must “do more than recite pre- or post-solution activity, they [must be] central to the
19 solution itself” to be meaningful) (quotations omitted); *see also Wolf v. Capstone Photography,*
20 *Inc.*, 2:13-cv-09573, 2014 WL 7639820, at *12 (C.D. Cal. 2014) (invalidating patents and
21 dependent claims which “advise[d] using well-known techniques” and rejecting plaintiff’s
22 contention that the dependent claims narrow the invention to a patentable application, or that they
23 “provid[e] something ‘significantly more’ than the claimed abstract idea itself.” Because all of
24 these claims are directed to the abstract idea of obtaining the route to a destination and none
25 includes any inventive concept, the claims similarly fail both steps of the *Alice* test.

26 The dependent claims also do not contain any inventive concept amounting to
27 “significantly more” than the abstract idea. They do not inject any unconventional computer
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1 components or techniques. The claims simply apply the abstract concept of obtaining the route to
2 a destination, and the Federal Circuit has been clear that the abstract idea itself cannot confer an
3 inventive concept. *See BSG Tech*, 899 F.3d at 1290 (“It has been clear since *Alice* that a claimed
4 invention’s use of the ineligible concept to which it is directed cannot supply the inventive concept
5 that renders the invention ‘significantly more’ than that ineligible concept.”).

6 Accordingly, the dependent claims, like the independent claims, fail both steps of the *Alice*
7 test and should be found ineligible.

8 **3. There are no claim construction or factual disputes preventing the**
9 **Court from ruling on this issue at the Rule 12 stage.**

10 The issue of the patent eligibility is ready for the Court’s consideration because there are
11 no factual or claim construction issues. This case is markedly different from *Berkheimer* and the
12 line of cases where factual issues have been found to exist in *Alice* Step 2. In *Berkheimer*, the
13 Federal Circuit noted that the specification explicitly “describe[d] an inventive feature that store[d]
14 parsed data in a purportedly unconventional manner.” 881 F.3d at 1369. The court added that “[t]he
15 improvements in the specification, to the extent they are captured in the claims, create a factual
16 dispute regarding whether the invention describes well-understood, routine, and conventional
17 activities . . . so we must analyze the asserted claims and determine whether they capture these
18 improvements.” *Id.* After finding that some claims “contain limitations directed to the arguably
19 unconventional inventive concept described in the specification,” the court held that there was a
20 question of fact as to whether those claims perform “well-understood, routine, and conventional
21 activities.” *Id.* at 1370.

22 It should be noted, however, that “[t]he *Berkheimer* [] cases do not stand for the proposition
23 that a plaintiff can avoid dismissal simply by reciting in the complaint that the invention at issue
24 is novel and that the inventive concept resides in the abstract idea itself.” *First-Class Monitoring,*
25 *LLC v. Ups of Am., Inc.*, 389 F. Supp. 3d 456, 471 (E.D. Tex. 2019) (emphasis added); *see also*
26 *Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1151 (Fed. Cir. 2016) (stating “[A] claim
27 for a new abstract idea is still an abstract idea”) (emphasis in original); *see also Cisco Systems,*
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1 *Inc. v. Uniloc 2017 LLC*, 813 Fed. Appx. 495, 498-499 (Fed. Cir. 2020) (holding “purported factual
2 allegations” regarding eligibility in complaint “are not factual allegations; they are sweeping
3 conclusory statements . . . that [] did not preclude dismissal.”). Furthermore, “[a]ny allegation
4 about inventiveness, wholly divorced from the claims or the specification, does not defeat a motion
5 to dismiss; only plausible and specific factual allegations that aspects of the claims are inventive
6 are sufficient.” *Dropbox, Inc. v. Synchronoss Techs., Inc.*, 815 F. App’x 529, 538 (Fed. Cir. 2020)
7 (internal quotations omitted).

8 Here, GLI’s bare and implausible allegations of inventiveness in the Complaint cannot
9 defeat this motion; otherwise, Rule 12(b)(6) would be rendered toothless against plaintiffs who
10 plead “magic words.” *See* Compl., ¶¶ 14–21. Patentee plaintiffs should not have the power to
11 unilaterally declare that their claims are inventive. *See Appistry, Inc. v. Amazon.com, Inc.*, 195 F.
12 Supp. 3d 1176, 1183, n.6 (W.D. Wash., 2016) *aff’d sub nom. Appistry, LLC v. Amazon.com, Inc.*,
13 676 F. App’x 1008 (Fed. Cir. 2017) (“Plaintiff’s position is absurd. Requiring the Court to accept
14 such facts or legal conclusions (even in the form of an early expert declaration) would permit any
15 plaintiff to circumvent the § 101 inquiry on an early motion to dismiss or motion for judgment on
16 the pleadings simply by including a few lines attesting to the novelty of the invention.”). Rather,
17 GLI’s decision to include such assertions of inventiveness in the Complaint demonstrate that it is
18 keenly aware of the claims’ vulnerability.

19 The Court’s ineligibility analysis should disregard GLI’s boilerplate legal conclusions
20 about the inventive aspects of the ’285 Patent. *See Simio, LLC v. FlexSim Software Products, Inc.*,
21 983 F.3d 1353, 1366 (Fed. Cir. 2020) (“We disregard conclusory statements when evaluating a
22 complaint under Rule 12(b)(6).”). For example, GLI alleges that “[t]he ’285 Patent invention
23 includes include software and hardware that do not operate in a conventional manner.” Compl. at
24 ¶ 19. This is not a factual allegation—it is a legal conclusion in which GLI attempts to unilaterally
25 declare its patent is directed to eligible subject matter, and should be ignored by the Court. *See*
26 *Simio*, 983 F.3d at 1366 (“A statement that a feature ‘improves the functioning and operations of
27 the computer’ is, by itself, conclusory.”).

1 Once GLI's conclusory legal allegations about the inventiveness of its asserted patent are
2 properly disregarded, there is nothing left to preclude a determination of ineligibility on the
3 pleadings. Accordingly, Health Mart's motion is ripe, and it should be granted.

4 **IV. CONCLUSION**

5 For the foregoing reasons, Health Mart respectfully requests that the Court dismiss GLI's
6 claims based on the '285 Patent for failure to state a claim upon which relief can be granted.

7 Because leave to amend would be futile, Health Mart requests dismissal with prejudice.
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Respectfully submitted,

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